

Upper Clark Fork River Basin Steering Committee

C/O Gerald Mueller

440 Evans

Missoula, MT 59801

(406) 543-0026

November 30, 2005

Representatives Debby Barrett and Christopher Harris
Co-Chairs
Environmental Quality Council
P.O. Box 201704
Helena, MT 59620-1704

RE: Upper Clark Fork River Basin Steering Committee Basin Closure Report

Dear Co-Chairs Barrett and Harris:

I write to you on behalf and at the direction of the Upper Clark Fork River Basin Steering Committee. The purpose of this letter is to recommend one legislative change regarding the closure of the Upper Clark Fork River basin enacted in §85-2-336 MCA.

Every five years after April 14, 1995 the Steering Committee must review the closure and exceptions and report necessary changes to the Legislature. The Steering Committee has conducted this review and is not aware of any problems with the closure exemptions or its implementation by the Montana Department of Natural Resources and Conservation. However, one legislative change is necessary; the definition of the basin must be changed. §85-2-336 MCA provides that "... the department may not process or grant an application for a permit to appropriate water within the Upper Clark Fork River basin." §85-2-335 defines the Upper Clark Fork River Basin to mean "... the drainage area of the Clark Fork River and its tributaries above Milltown dam." Because the Milltown Dam is scheduled to be removed, the Steering Committee requests that the basin definition be changed so that reference to this dam is replaced by the confluence of the Blackfoot and Clark Fork Rivers. If this change is accepted, §85-2-335 (2) would read:

"Upper Clark Fork River basin" means the drainage area of the Clark Fork River and its tributaries above the confluence of the Blackfoot and Clark Fork Rivers.

If the Environmental Quality Council has questions or would like a presentation regarding this subject, please contact me at the address or telephone listed above or by email at gmueller@montana.com.

Thank you.

Sincerely,

Gerald Mueller
Steering Committee Facilitator